Supreme Court, U. S.
FILED
MAR 14 1972
MICHAEL RODAK, JR., CLERK

NO. 71-605

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1971

AARON HENRY, ET AL. Petitioners

v.

CLAIBORNE HARDWARE CO., ET AL. Respondents

SUPPLEMENTAL APPENDIX TO RESPONSE IN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

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BILL OF COMPLAINT IN THE CHANCERY COURT OF THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY, MISSISSIPPI 1

IN THE CHANCERY COURT OF THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY, MISSISSIPPI

CLAIBORNE HARDWARE COMPANY, ET AL. — Complainants

VS. — No. 78,353

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, ET AL — Defendants

BILL OF COMPLAINT

Come the complainants: Claiborne Hardware Company; Q. H. McDaniel, Jr., doing business as McDaniel Pharmacy; James E. Hudson, George A. Hudson, and H. B. Hudson, Jr., doing business as Hudson Bros., trading as Piggly Wiggly Store and Hudson's Gift Shop; Waddy Abraham, doing business as Jitney Jungle; Louis N. Ellis, Executor of the Will and Estate of Michael Ellis, Deceased; Joe Ellis, Mrs. Ben Mullen and Miss Ella Mae Ellis, doing business as George Ellis Food Store; Louis N. Ellis, doing business as Abe's Betty Jean and Port Gibson Trading Co.; H. D. Harwell, doing business as Mack's Package Store; Norman N. Ellis and Barbara B. Ellis, doing business as Ellis Variety Store; W. H. Hay, doing business as O. K. Cleaners and Shirt Laundry; Murad Nasif and Mildred Nasif, doing business as M & M Super Store & Washateria; Port Gibson Lumber & Supply Co., Inc.; Charles R. Dobbs, doing business as Western Auto Associate Store; Kelly D. Conn, doing business as Auto-Lee Associate Store No. 225; A & P Service and Parts, Inc.; Allen Motor Co., Inc.; Donald-Segrest Ford, Inc.; and Mrs. Edgar A. McCaa, doing business as Town and Country; and

file this their bill of complaint against the defendants, National Association for the Advancement of Colored People, Mississippi Action for Progress, Inc., Ferd Allen, Ike Allison, Henry Anderson, Alonzo Atlas, Beatrice Atlas, Calvin Bailey, James Bailey, McLawrence Bailey, Joseph M. Barber, Kenneth C. Barber, Bill Beasley, Helen Beasley, Calvin Blackburn, Ed Brandon, Marjorie W. Brandon, Maxie Brandon, Eli Brooks, Priscilla Brooks, Janie Brown, Tullos Brown, Eddie Burrell, James Burrell, Robert Butler, Jr., Arthur Lee Camphor, Imra Rae Camphor, W. E. Camphor, Rev. Dominic Cangemi, Maggie Clark, Alberta Coleman, Ed Coleman, Charles Collier, James Collier, Alexander Collins, Geneva Collins, Scott Crowder, Thelma Crowder, Dan Currie, Sarah Jane Curry, Charles Davis, Mack Louis Davis, Mary Ella Dee, James Devaul, Alex Dorsey, Salley Dorsey, Geneva Durham, Johnny Durham, Mary Durham, John Eggleston, Harvey Ellis, Jim Ellis, Jr., John Ellis, Katie Ellis, Rachel Ellis, Charles Evers, Ethel Graise, James Gray, Walter L. Griffin, Sr., Bernard Gusta, Leesco Gusta, Charlie Harris, Cline Harvey, Aaron Henry, Jim Holt, Henry Hyder, Albert Jackson, Willie Jackson, Mrs. E. J. Jennings, Jessie Johnson, Roscoe Johnson, Jim Jones, Julia Coleman Jones, Lela Jones, Marcus Jones, Nathaniel H. Jones, Samuel Jones, Jr., Bobby Kelly, Bernice Lee, Edward Lee, Margaret Liggan, Horace Lightfoot, Teddy Lipscomb, Clarence Lucas, Julia Lucas, James Mallory, Nathaniel Martin, Leander Monroe, Johnnie Moore, Mary Lee Moore, Willie V. Moore, Ellis Neal, Bessie Newman, D. A. Newman, Amos Newsome, Jr., Carrence Newsome, James Odom, Leona Owens, Roosevelt Owens, William Owens, Henry Patton, Jr., Henry Otis Preston, Evans Robinson, Viola Robinson, William (Willie) Robinson, Floyd Rollins, Mary Ross, Odessa Ross,

William M. (Matt) Ross, Elmo Scott, Rudolph Shields, Oliver Shinall, Dora Shorter, Roman Shorter, Rosa Shorter, Annie B. Smith, Bilbo Smith, Delores Smith, Jim Smith, Addie Speed, Laurance Speed, Leon Tarleton, Ira Thomas, Carl Thompson, Jr., Margarite Thompson, (Rev.) Mack Tisdale, Milton Trevillion, George Henry Walker, Thelma K. Walker, Eddie Walls, Jr., Dessie Mae Walls, Alex Warner, Alonoz Warner, Ethel Warner, Albert Weathers, Bome Wells, Carl Lee Wells, Eddie Lee Wells, Katie Wells, James Whitney, Calvin Williams, Ernestine Williams, Aaron Wilson, Gussie Pearl Wilson, Rev. Willie Wilson, Early Wren, Ruby Wren, Arthur Wyatt; and Deposit Guaranty National Bank, First National Bank, Citizens National Bank, and Mississippi Bank & Trust Company, Jackson, Mississippi; and Bank of Clarksdale, Coahoma National Bank, and The First National Bank of Clarksdale, Clarksdale, Mississippi; and Mississippi Southern Bank, and Port Gibson Bank, Port Gibson, Mississippi; and The Jefferson County Bank, Fayette, Mississippi; and The First National Bank, Commercial National Bank, and Greenville Bank, Greenville, Mississippi; and First National Bank of Vicksburg, and Merchants National Bank, Vicksburg, Mississippi; and Hancock Bank, and Gulf National Bank, and Merchants Bank & Trust Company, Gulfport, Mississippi; and First National Bank of Biloxi, and the Peoples Bank of Biloxi, Biloxi, Mississippi; and Britton & Koontz First National Bank, and City Bank and Trust Company, Natchez, Mississippi; and Bank of Mississippi, First Citizens National Bank, and The Peoples Bank & Trust Co., Tupelo, Mississippi; and Commercial Bank, Woodville, Mississippi; and Bank of Prentiss, Prentiss, Mississippi; and Indianola Bank, and Peoples Bank of Indianola, Indianola, Mississippi; and Bank of Commerce, The Bank of

Greenwood, and Leflore Bank and Trust Company, Greenwood, Mississippi; and Citizens National Bank, and Guaranty Bank & Trust Company, Belzoni, Mississippi; and Bank of Holly Springs, First State Bank, and Merchants and Farmers Bank, Holly Springs, Mississippi; and Bank of Cleveland, The Cleveland State Bank and First National Bank of Bolivar County, Cleveland, Mississippi; and Citizens Bank of Hattiesburg, First National Bank of Hattiesburg, and Southern National Bank, Hattiesburg, Mississippi; and The Commercial National Bank and Trust Company and The First National Bank of Laurel, Laurel, Mississippi; and The Citizens National Bank of Meridian, First National Bank of Meridian, and Merchants & Farmers Bank, Meridian, Mississippi; and Grenada Bank and Grenada Trust & Banking Company, Grenada, Mississippi; and The Bank of West Point, and The First National Bank, West Point, Mississippi; and First Columbus National Bank, Merchants & Farmers Bank, and National Bank of Commerce, Columbus, Mississippi; and complainants would with respect show unto the Court the following:

I.

The jurisdiction of the Chancery Court is predicated upon the following:

1. The Constitution and laws of the State of Mississippi pertaining to chancery and equity jurisdiction.

2. The Mississippi chancery practice and procedure which have become established as belonging within equity jurisdiction.

3. That this is a suit to prevent a multiplicity of suits at law.

4. That this is a suit for attachment against a non-resident defendant and resident defendants who have in

their hands effects of, or are indebted to such non-resident defendant.

5. That this is a suit for injunction.

6. That the complainants have no plain, adequate and complete remedy at law.

7. That this is a suit to enforce the substantive equities of the complainants.

8. That this is a suit to afford the complainants relief for rights which are being withheld; and to redress wrongs done to the complainants, and those which are impendingly threatened to be done, and those wrongs which are continuing to be done.

9. That this is a suit to secure for complainants adequate and proper compensation because of the wrongs of the defendants, acting in combination, concert, individually and jointly and severally for: (1) Conspiracy, (2) Boycott, (3) Interference, and (4) Restraint of trade.

II.

The complainants all have their residence and domicile in the State of Mississippi, and are named as follows:

1. Claiborne Hardware Company is a corporation existing under and by virtue of the Constitution and laws of the State of Mississippi, having its domicile and principal place of business in the City of Port Gibson, Claiborne County, Mississippi, where at all times material hereto and for many years prior to the filing of this action said corporation was and is engaged in retail hardware business.

2. Q. H. McDaniel, Jr., is an adult resident citizen of the City of Port Gibson, Claiborne County, Mississippi.

For many years prior to the 4th day of October, 1969, said complainant owned and operated a pharmacy and drug store business under the name of McDaniel Pharmacy in the City of Port Gibson, Mississippi. On said date said complainant was forced to cease and close said business for the reasons hereinafter set forth.

3. James E. Hudson and George A. Hudson are adult resident citizens of Claiborne County, Mississippi; and H. B. Hudson, Jr., is an adult resident citizen of the City of Port Gibson, Claiborne County, Mississippi, where at all times material hereto and for many years prior to the filing of this action said complainants were and are engaged in business, as follows: For many years, ending December 31, 1966, said complainants were engaged in business as a partnership under the name of Hudson Bros. Partners, trading as Piggly Wiggly Store and Hudson's Gift Shop. On January 1, 1967, said businesses were separated and from and after said date have been and are owned and operated as follows: James E. Hudson and George A. Hudson, doing business as Hudson Bros., Partners, trading as Piggly Wiggly Store, at 505 Main Street, Port Gibson, Mississippi; and H. B. Hudson, Jr., owner of and doing business as Hudson's Gift Shop, at 725 Main Street, Port Gibson, Mississippi. Said Piggly Wiggly Store has been, and is, a retail food and grocery store business. Said Hudson's Gift Shop has been, and is, a retail store engaged in the sale of jewelry and other items usual to the gift trade.

4. Waddy Abraham is an adult resident citizen of the City of Port Gibson, Claiborne County, Mississippi. Said complainant is the owner of and is doing business as Jitney Jungle, in the City of Port Gibson, Mississippi, where at all times material hereto and for many years prior to the filing of this action said complainant was,

and is, engaged in the general retail food and grocery store business, under said trade name.

5. Louis Nader Ellis, is Executor of the Will and Estate of Michael Ellis, Deceased, which said estate is presently in administration in the Chancery Court of Claiborne County, Mississippi. For many years prior to the filing of this action and until his death on or about December 18, 1968, said Michael Ellis was the owner of and carried on business under the trade name of Michael Ellis Department Store, a retail merchandise and department store business, and Trace Theater, a motion picture theater business, and owned and managed certain rental properties, all in the City of Port Gibson, Claiborne County, Mississippi. Said businesses and properties which said decedent owned at his death, are now in the possession of and under the control of the complainant, Louis Nader Ellis, Executor of the Will and Estate of Michael Ellis, Deceased, and said complainant is charged with the duty of marshalling and preserving the assets and property of said estate. Said complainant joins in this action, pursuant to the authority and provisions of Sections 608 and 609, Mississippi Code of 1942, Vol. 1A Recompiled.

6. Joe Ellis, Mrs. Ben Mullen and Miss Ella Mae Ellis are all adult resident citizens of the City of Port Gibson, Claiborne County. Said complainants are partners, doing business as George Ellis Food Store, in the City of Port Gibson, Mississippi, where at all times material hereto and for many years prior to the filing of this action said complainants were, and are, engaged in the retail grocery store business.

7. Louis N. Ellis, individually, is an adult resident citizen of the City of Port Gibson, Claiborne County, Mississippi, where at all times material hereto and for

many years prior to the filing of this action said complainant was and is engaged in the retail general merchandise business. Said complainant owned and did business as Abe's Betty Jean for a period of ten years prior to December 31, 1966, when he was forced to cease and close said business, for the reasons hereinafter set forth; and for many years prior to the filing of this action was and is the owner of and doing business as Port Gibson Trading Co. and engaged in the general retail merchandise business.

8. H. D. Harwell is an adult resident citizen of Jefferson County, Mississippi. Said complainant is the owner of, and is doing business as Mack's Package Store in the City of Port Gibson, Claiborne County, Mississippi; where since on or about February 14, 1969, said complainant has been, and is, engaged in the retail sale of alcoholic beverages.

9. Norman N. Ellis and Mrs. Barbara B. Ellis are now residing in the City of Jackson, First Judicial District of Hinds County, Mississippi. At all times material hereto and for many years prior to the filing of this action and until on or about May 14, 1969, said complainants were adult resident citizens of the City of Port Gibson, Mississippi, and were the owners of and carried on a general retail merchandise business under the trade name of Ellis Variety Store, at 607 Market Street, in the City of Port Gibson, Mississippi. On or about said date said complainants were forced to cease and close said business for the reasons hereinafter set forth.

10. W. H. Hay is an adult resident citizen of Claiborne County, Mississippi. Said complainant is the owner of and is doing business as O. K. Cleaners and Shirt Laundry, in the City of Port Gibson, Mississippi, where at all times material hereto and for many years prior to

the filing of said action said complainant was, and is, engaged in the laundry and dry cleaning business.

11. Murad Nasif and Mrs. Mildred Nasif are adult resident citizens of Claiborne County, Mississippi. Said complainants are the owners of and are doing business as M & M Super Store and Washateria, in the City of Port Gibson, Mississippi, where at all times material hereto and for many years prior to the filing of this action, said complainants were, and are, engaged in the retail food and grocery business and the washateria business.

12. Port Gibson Lumber & Supply Co., Inc., is a corporation organized and existing under and by virtue of the Constitution and laws of the State of Mississippi, having its domicile and principal place of business in the City of Port Gibson, Claiborne County, Mississippi, where at all times material hereto and for many years prior to the filing of this action, said corporation was, and is, engaged in the retail business for sales of building supplies, including lumber, hardware and accessories, and in connection with the operation of said business extended credit to retail customers and financing to contractors.

13. Charles R. Dobbs is an adult resident citizen of the City of Port Gibson, Claiborne County, Mississippi. Said complainant is the owner of and is doing business as Western Auto Associate Store, in the City of Port Gibson, Mississippi, where at all times material hereto and for many years prior to the filing of this action said complainant was, and is, engaged in the retail automotive supplies and accessories business.

14. Kelly S. Conn is an adult resident citizen of the City of Port Gibson, Claiborne County, Mississippi.

Said complainant is the owner of, and is doing business as, Auto-Lee Associate Store No. 225, in the City of Port Gibson, Mississippi, where at all times material hereto, and for many years prior to the filing of this action, he was, and is, engaged in the retail sale of automobile parts and supplies.

15. A & P Service & Parts, Inc., is a corporation organized and existing under and by virtue of the Constitution and laws of the State of Mississippi, having its domicile and principal place of business north of the City of Port Gibson, on Highway 18 in Claiborne County, Mississippi. At all times material hereto and for many years prior to the filing of this action said corporation was, and is, engaged in the service station business in the retail sales of gasoline, oil, tires, batteries and accessories, and in servicing motor vehicles.

16. Allen Motor Company, Inc., is a corporation organized and existing under and by virtue of the Constitution and laws of the State of Mississippi, having its domicile and principal place of business in the City of Port Gibson, Claiborne County, Mississippi. At all times material hereto and for many years prior to the filing of this action said corporation was, and is, engaged in the retail sales of new and used automobiles, trucks, outboard motors, and automotive equipment and supplies.

17. Donald-Segrest Ford, Inc., is a corporation organized and existing under and by virtue of the Constitution and laws of the State of Mississippi, having its domicile and principal place of business on U. S. Highway 61 North, Port Gibson, Claiborne County, Mississippi. At all times material hereto and for many years prior to the filing of this action said corporation was, and is, engaged in the retail sales of automobiles and trucks and automotive equipment and supplies.

18. Mrs. Edgar A. McCaa is an adult resident citizen of Claiborne County, Mississippi. For many years prior to the 31st day of January, 1967, said complainant owned and operated a retail clothing and ready-to-wear business under the trade name of Town and Country, in the City of Port Gibson, Mississippi. On said date said complainant was forced to cease and close her said business for the reasons hereinafter set forth.

III.

The defendants are as follows:

1. The non-resident defendant is the National Association for the Advancement of Colored People, hereinafter referred to as NAACP. The defendant NAACP is a corporation, organized and existing under and by virtue of the laws of the State of New York, pursuant to and in conformity with the Acts of the Legislature of the State of New York relating to membership corporations, having its principal office and center of operations in the Borough of Manhattan, in the City, County and State of New York, and having branch or auxiliary offices elsewhere in the United States for the purpose of carrying on the work of the corporation. Said defendant NAACP is a foreign corporation which is duly registered and authorized to transact business and carry on the work of the corporation in the State of Mississippi; and the duly registered, resident agent of said defendant, foreign corporation upon whom service of process may be had upon said NAACP in this action is Jack H. Young, whose post office address is No. 115½ North Farish Street, in the City of Jackson, First Judicial District of Hinds County, Mississippi.

Said complainant is the owner of, and is doing business as, Auto-Lec Associate Store No. 225, in the City of Port Gibson, Mississippi, where at all times material hereto, and for many years prior to the filing of this action, he was, and is, engaged in the retail sale of automobile parts and supplies.

15. A & P Service & Parts, Inc., is a corporation organized and existing under and by virtue of the Constitution and laws of the State of Mississippi, having its domicile and principal place of business north of the City of Port Gibson, on Highway 18 in Claiborne County, Mississippi. At all times material hereto and for many years prior to the filing of this action said corporation was, and is, engaged in the service station business in the retail sales of gasoline, oil, tires, batteries and accessories, and in servicing motor vehicles.

16. Allen Motor Company, Inc., is a corporation organized and existing under and by virtue of the Constitution and laws of the State of Mississippi, having its domicile and principal place of business in the City of Port Gibson, Claiborne County, Mississippi. At all times material hereto and for many years prior to the filing of this action said corporation was, and is, engaged in the retail sales of new and used automobiles, trucks, outboard motors, and automotive equipment and supplies.

17. Donald-Segrest Ford, Inc., is a corporation organized and existing under and by virtue of the Constitution and laws of the State of Mississippi, having its domicile and principal place of business on U. S. Highway 61 North, Port Gibson, Claiborne County, Mississippi. At all times material hereto and for many years prior to the filing of this action said corporation was, and is, engaged in the retail sales of automobiles and trucks and automotive equipment and supplies.

18. Mrs. Edgar A. McCaa is an adult resident citizen of Claiborne County, Mississippi. For many years prior to the 31st day of January, 1967, said complainant owned and operated a retail clothing and ready-to-wear business under the trade name of Town and Country, in the City of Port Gibson, Mississippi. On said date said complainant was forced to cease and close her said business for the reasons hereinafter set forth.

III.

The defendants are as follows:

1. The non-resident defendant is the National Association for the Advancement of Colored People, hereinafter referred to as NAACP. The defendant NAACP is a corporation organized and existing under and by virtue of the laws of the State of New York, pursuant to and in conformity with the Acts of the Legislature of the State of New York relating to membership corporations, having its principal office and center of operations in the Borough of Manhattan, in the City, County and State of New York, and having branch or auxiliary offices elsewhere in the United States for the purpose of carrying on the work of the corporation. Said defendant NAACP is a foreign corporation which is duly registered and authorized to transact business and carry on the work of the corporation in the State of Mississippi; and the duly registered resident agent of said defendant foreign corporation upon whom service of process may be had upon said NAACP in this action is Jack H. Young, whose post office address is No. 115½ North Farish Street, in the City of Jackson, First Judicial District of Hinds County, Mississippi.

2. The resident defendants are:

a. Mississippi Action for Progress, Inc., hereinafter referred to as MAP. Said defendant MAP is a non-profit corporation, organized and existing under and by virtue of the Constitution and laws of the State of Mississippi, having its domicile in the City of Jackson, First Judicial District of Hinds County, Mississippi, where it maintains an office at Room 290, Milner Building, 210 South Lamar Street, in charge of an officer of said corporation, who is Dr. Aaron Shirley, Executive Director, or Matthew Thomas, Deputy Executive Director. Said defendant MAP has failed to designate and appoint a resident agent for service of process as provided by Section 5319, Mississippi Code of 1942, as amended, and pursuant to said statute service of process may be had upon said defendant MAP by service thereof upon the said Dr. Aaron Shirley, Executive Director, or the said Matthew Thomas, Deputy Executive Director.

b. Each of the individual defendants named in this subparagraph is an adult resident citizen of Claiborne County, Mississippi; and each of said individual defendants was and is working in concert with and under the direction of the agents, officers, officials, servants and employees of said defendants NAACP and MAP at all times material to and mentioned in this bill of complaint; and each of said individual defendants may be served with process in the County of Claiborne and/or in the City of Port Gibson; and said individual defendants are named as follows: Ike Allison, Henry Anderson, Alonzo Atlas, Beatrice Atlas, Calvin Bailey, James Bailey, McLawrence Bailey, Joseph M. Barber, Kenneth C. Barber, Bill Beasley, Helen Beasley, Calvin Blackburn, Ed Brandon, Marjorie W. Brandon, Maxie Brandon, Eli Brooks, Priscilla Brooks, Janie Brown,

Tullos Brown, Eddie Burrell, James Burrell, Robert Butler, Jr., Arthur Lee Camphor, Imra Rae Camphor, W. E. Camphor, Rev. Dominic Cangemi, Maggie Clark, Alberta Coleman, Ed Coleman, Charles Collier, James Collier, Alexander Collins, Geneva Collins, Scott Crowder, Thelma Crowder, Dan Currie, Sarah Jane Curry, Charles Davis, Mack Louis Davis, Mary Ella Dee, James Devaul, Alex Dorsey, Sally Dorsey, Geneva Durham, Johnny Durham, Mary Durham, John Eggleston, Harvey Ellis, Jim Ellis, Jr., John Ellis, Katie Ellis, Rachel Ellis, Ethel Graise, James Gray, Walter L. Griffin, Sr., Bernard Gusta, Leeseo Gusta, Charlie Harris, Cline Harvey, Jim Holt, Henry Hyder, Albert Jackson, Willie Jackson, Mrs. E. J. Jennings, Jessie Johnson, Roscoe Johnson, Jim Jones, Julia Coleman Jones, Lela Jones, Marcus Jones, Nathaniel H. Jones, Samuel Jones, Jr., Bobby Kelly, Bernice Lee, Edward Lee, Margaret Liggan, Horace Lightfoot, Teddy Lipscomb, Clarence Lucas, Julia Lucas, James Mallory, Nathaniel Martin, Leander Monroe, Johnnie Moore, Mary Lee Moore, Willie V. Moore, Ellis Neal, Bessie Newman, D. A. Newman, Amos Newsome, Carrence Newsome, James Odom, Leona Owens, Roosevelt Owens, William Owens, Henry Patton, Jr., Henry Otis Presto, Evans Robinson, Mary Robinson, Viola Robinson, William (Willie) Robinson, Floyd Rollins, Mary Ross, Odessa Ross, William M. (Matt) Ross, Elmo Scott, Oliver Shinall, Dora Shorter, Roman Shorter, Rosa Shorter, Annie B. Smith, Bilbo Smith, Delores Smith, Jim Smith, Addie Speed, Laurance Speed, Leon Tarleton, Ira Thomas, Carl Thompson, Jr., Margarite Thompson, (Rev.) Mack Tisdale, Milton Trevillion, George Henry Walker, Thelma K. Walker, Eddie Walls, Jr., Dessie Mae Walls, Alex Warner, Alonzo Warner, Ethel Warner, Albert Weathers, Bome Wells, Carl Lee Wells, Eddie Lee Wells, Katie Wells, James

Whitney, Calvin Williams, Ernestine Williams, Aaron Wilson, Gussie Pearl Wilson, Rev. Willie Wilson, Early Wren, Ruby Wren, and Arthur Wyatt.

c. The defendant Ferd Allen is an adult resident citizen of the City of Fayette, Jefferson County, Mississippi.

d. The defendant Charles Evers is an adult and is a resident citizen of the City of Fayette, Jefferson County, Mississippi, where he maintains individual living quarters, and he also owns and maintains a family residence in the City of Jackson, Mississippi; said Charles Evers at all times mentioned in this bill of complaint was, and is, in the position and office of Field Secretary for the defendant NAACP in the State of Mississippi, and at all times material hereto said Charles Evers was acting and working, and is now acting and working, within the course and scope of this employment with NAACP, and in the furtherance of the business of NAACP; and at all times material hereto NAACP ratified and ratifies all of the hereinafter set forth acts and things done and performed by said defendant Charles Evers.

e. Complainants are informed and believe that the defendant Rudolph Shields has no fixed place of residence, but that said defendant may be found in Yazoo City, Yazoo County, Mississippi.

f. The defendant Aaron Henry is an adult resident citizen of the City of Clarksdale, Coahoma County, Mississippi; said Aaron Henry at all times mentioned in this bill of complaint was and is in the position and office of president of the Mississippi branch of the NAACP, and at all times material hereto said Aaron Henry was acting and working, and is now acting and working, with-

in the course of and scope of his employment with NAACP and in the furtherance of the business of NAACP; and at all times material hereto NAACP ratified and ratifies all of the hereinafter set forth acts and things done and performed by said defendant Aaron Henry.

g. Complainants are informed and believe that the banks set forth in this subparagraph have in their respective hands funds, property and effects of the non-resident defendant NAACP; and said banking institutions are named herein as attachment defendants, and they are as follows: Deposit Guaranty National Bank, First National Bank of Jackson, Citizens National Bank, and Mississippi Bank & Trust Company, all of which are located in the City of Jackson, First Judicial District of Hinds County, Mississippi, where they each have officers and agents upon whom service of process may be had; Bank of Clarksdale, Coahoma National Bank, and The First National Bank of Clarksdale, all of which are located in the City of Clarksdale, Coahoma County, Mississippi, where they each have officers and agents upon whom service of process may be had; Mississippi Southern Bank, and Port Gibson Bank, each of which is located in the City of Port Gibson, Claiborne County, Mississippi, where they each have officers and agents upon whom service of process may be had; The Jefferson County Bank, which is located in the City of Fayette, Jefferson County, Mississippi, where it has officers and agents upon whom service of process may be had; The First National Bank, Commercial National Bank, and Greenville Bank, all of which are located in the City of Greenville, Washington County, Mississippi, where they each have officers and agents upon whom service of process may be had; First National Bank

of Vicksburg, and Merchants National Bank, each of which is located in the City of Vicksburg, Warren County, Mississippi, where they each have officers and agents upon whom service of process may be had; Hancock Bank, Gulf National Bank, and Merchants Bank & Trust Company, all of which are located in the City of Gulfport, Harrison County, Mississippi, where they each have officers and agents upon whom service of process may be had; First National Bank of Biloxi, and The Peoples Bank of Biloxi, each of which is located in the City of Biloxi, Harrison County, Mississippi, where they each have officers and agents upon whom service of process may be had; Britton & Koontz First National Bank, and City Bank and Trust Company, each of which is located in the City of Natchez, Adams County, Mississippi, where they each have officers and agents upon whom service of process may be had; Bank of Mississippi, First Citizens National Bank, and The Peoples Bank & Trust Co., all of which are located in the City of Tupelo, Lee County, Mississippi, where they each have officers and agents upon whom service of process may be had; Commercial Bank, which is located in the City of Woodville, Wilkinson County, Mississippi, where it has officers and agents upon whom service of process may be had; Bank of Prentiss, which is located in the City of Prentiss, Jefferson Davis County, Mississippi, where it has officers and agents upon whom service of process may be had; Indianola Bank, and Peoples Bank of Indianola, each of which is located in the City of Indianola, Sunflower County, Mississippi, where they each have officers and agents upon whom service of process may be had; Bank of Commerce, The Bank of Greenwood, and Leflore Bank and Trust Company, all of which are located in the City of Greenwood, Leflore County, Mississippi, where they each have officers and

agents upon whom service of process may be had; Citizens National Bank, and Guaranty Bank & Trust Company, each of which is located in the City of Belzoni, Humphreys County, Mississippi, where they each have officers and agents upon whom service of process may be had; Bank of Holly Springs, First State Bank, and Merchants and Farmers Bank, all of which are located in the City of Holly Springs, Marshall County, Mississippi, where they each have officers and agents upon whom service of process may be had; Bank of Cleveland, The Cleveland State Bank, and First National Bank of Bolivar County, all of which are located in the City of Cleveland, Bolivar County, Mississippi, where they each have officers and agents upon whom service of process may be had; Citizens Bank of Hattiesburg, First National Bank of Hattiesburg, and Southern National Bank, all of which are located in the City of Hattiesburg, Forrest County, Mississippi, where they each have officers and agents upon whom service of process may be had; The Commercial National Bank and Trust Company, and The First National Bank of Laurel, each of which is located in the City of Laurel, Jones County, Mississippi, where they each have officers and agents upon whom service of process may be had; The Citizens National Bank of Meridian, First National Bank of Meridian and Merchants & Farmers Bank, all of which are located in the City of Meridian, Lauderdale County, Mississippi, where they each have officers and agents upon whom service of process may be had; Grenada Bank, and Grenada Trust & Banking Company, each of which is located in the City of Grenada, Grenada County, Mississippi, where they each have officers and agents upon whom service of process may be had; The Bank of West Point, and The First National Bank, each of which is located in the City of West Point, Clay County,

Mississippi, where they each have officers and agents upon whom service of process may be had; and First Columbus National Bank, Merchants & Farmers Bank, and National Bank of Commerce, all of which are located in the City of Columbus, Lowndes County, Mississippi, where they each have officers and agents upon whom service of process may be had.

3. The complainants bring this suit against each individual named in this bill of complaint; and against each of the individuals whose names are unknown to complainants but who are included herein as a class.

IV.

1. The complainants charge that beginning on or about April 1, 1966, and continuing daily thereafter each, every and all of the defendants, corporate, and individual defendants, hereinbefore set forth, combined and entered into an agreement and conspiracy, with a unity of design and purpose and a preconceived plan, the malicious and unlawful object of which was to ruin and cause injury to the hereinbefore named businesses of the complainants and others; that said defendants did not enter into said conspiracy and combination for the purpose of protecting or advancing any legitimate interests of their own; and that said act constituted an unlawful conspiracy.

2. The complainants charge that the means employed by the defendants, and each of them in carrying out and to effect the purpose of the illegal and unlawful combination, plan, scheme and conspiracy, was and is likewise malicious, illegal and unlawful; that the defendants have since April 1, 1966, daily engaged in and committed malicious, illegal and unlawful acts of injurious falsehoods, deception, force, intimidation, threats, coercion

and violence against the customers and prospective customers of the complainants.

3. The complainants charge that in pursuance of the aforesaid conspiracy to injure the businesses of complainants and others, that the defendants and each of them executed and are continuing to carry out said malicious, illegal and unlawful plan and scheme to the great damage of complainants; and that said conspiracy on the part of all and each of said defendants was induced in malice toward the complainants and was and is without justification or lawful purpose; and that its objects as aforesaid have been and are being accomplished by illegal means and in an unlawful manner.

4. The complainants charge that on or about April 1, 1966, and daily thereafter, the defendants and each of them entered into an unlawful combination among themselves and others who are unknown to complainant to illegally bring about a secondary boycott to the businesses of the complainants and others with the intent and purpose of causing loss to the complainants and others by coercing the customers and prospective customers, against their will, to withdraw and withhold their beneficial business intercourse from the complainants by the infliction of physical injury to said customers and prospective customers on their person and property; by the threat of physical injury; by intimidation so as to put said customers and prospective customers in fear of such injury; through the fear of incurring the displeasure, persecution and vengeance of said combination; and by threats to said customers that unless they withdrew or withheld their beneficial business intercourse from the complainants and others against whom the conspiracy, combination and concert of action is directed, that said combination would cause injury to

said customers in their person, property and business. Complainants further charge that by the use of threats, intimidation, and coercion, the said defendants intended to overcome and did overcome the will of customers and prospective customers of the complainants, and by such unlawful and illegal means, intended to and did compel said customers to refrain from trading with the complainants. Complainants further charge that said defendants committed acts and spoke words to said customers and prospective customers of complainants that caused them to fear for their lives and safety; and that they were in such apprehension of damage that said customers were and are so influenced thereby as to prevent them from freely trading with complainants, as said customers so desire to do; and that the complainants assert that they at no time material hereto had any dispute, disagreement or controversy with any of the defendants herein or the combination thereof. Complainants further charge that the said illegal secondary boycott was and is an unlawful invasion of their property rights; that complainants have been caused to suffer great harm and damage as a result thereof; and that complainants, because of said malicious attempt to irreparably injure them and each of them, without purpose, by said secondary boycott, are entitled to recover damages jointly and severally from said defendants.

5. The complainants charge that after April 1, 1966, when said unlawful conspiracy was formed, the defendants daily committed and are continuing to commit the following unlawful and overt acts against the complainant and others:

a. Sent mass pickets, carrying signs advertising the boycott against the businesses of complainants, and others, to parade around the public streets of Port Gibson.

b. Made public speeches against trading with the complainants and others.

c. Stationed guards in the vicinity of complainants' places of business; and said guards physically stopped the customers and prospective customers from entering the premises of the complainants, and threatened and coerced said customers with physical violence if they traded with the complainants.

d. Threatened to brand the customers and prospective customers of complainants as traitors to the defendants; and referred to said customers in other offensive, abusive and insulting terms.

e. Threatened to destroy all of the property and goods of customers if they made any purchases from the business establishments of the complainants and others.

f. Violently, against the will of certain customers, certain of said defendants acting for the combination took from said customers the personal property which had been purchased from the complainant and others and destroyed said property.

g. Vilified, slandered, abused and intimidated the customers and prospective customers of the complainants when said customers did not forthwith agree to comply with their demands.

h. Physically attacked certain customers of the complainants and other in order to enforce the illegal secondary boycott against the complainants and others.

i. Certain of the defendants, members of the unlawful conspiracy and combination, in order to enforce and carry out the illegal secondary boycott, and to unlawfully interfere with the businesses of the complainants and others, pointed and aimed deadly weapons at said

customers of the complainants and others, and threatened to kill said customers if they did not cease trading with the complainants and others.

j. Certain of the defendants called at the homes of certain of the customers and prospective customers and maliciously sought to induce and did induce said customers not to trade with the complainants and others by threats and coercion.

6. The complainants, as aforesaid herein, operated their said businesses for long periods of time, in the City of Port Gibson. Complainants purchased merchandise for resale to purchasers, and for many years sold at retail said merchandise to said customers in and around Port Gibson. The complainants built up profitable businesses, and had many customers who purchased the merchandise, articles and commodities from them; and complainants gained the good will of virtually all of the customers and prospective customers in and around the community for many years until April, 1966, when the said illegal conspiracy of the defendants began and is continuing to be carried out. The defendants, as aforesaid, intending to destroy the businesses of the complainants because said businesses were located in the City of Port Gibson, and because the owners and managers of the said businesses of the complainants were of the white or Caucasian race, wilfully and unlawfully, by force, violence, threats, intimidation and coercion caused and continue to cause the customers and prospective customers to cease doing business with the complainants. The actions of the defendants in this regard, by their agents, servants and confederates, were done for no justifiable purpose; but were done wrongfully and maliciously to cause loss to the complainants and others, and to injure the businesses of the complainants; to

prevent the complainants from selling articles and commodities to their customers; and for said reason the complainants have been and continue to be unable to sell to their customers and prospective customers who are ready, willing and able to purchase from complainants, because of which some of the complainants have been forced to cease and close their said businesses, as hereinbefore set forth, and all of the complainants have suffered great damage and loss, as hereinafter set forth.

V.

Complainants charge that by reason of the said conspiracy, illegal secondary boycott and malicious conduct of the defendants, the complainants have been caused to suffer great and irreparable harm and damage in the loss of income and profits and good will as follows:

1. Claiborne Hardware Company has suffered loss of income in the amount of $40,000.00, together with the loss of good will in the amount of $15,000.00, and the loss of future income in the amount of $100,000.00; all in the total sum of $155,000.00.

2. Q. H. McDaniel, Jr., doing business as McDaniel Pharmacy, has suffered loss of income in the amount of $67,319.08, together with the loss of good will in the amount of $15,000.00, and the loss of future income in the amount of $168,297.70; all in the total sum of $250,616.78.

3. James E. Hudson, a partner of Hudson Bros., trading as Piggly Wiggly Store at all times material hereto, and as Hudson's Gift Shop in the year 1966, has suffered loss of income in the amount of $68,262.00, together with loss of good will in the amount of $15,000.00, and the loss of future income in the amount of $175,000.00; all in the total sum of $258,262.00. George A.

Hudson, a partner of Hudson Bros., trading as Piggly Wiggly Store at all times material hereto, and as Hudson's Gift Shop in the year 1966, has suffered loss of income in the amount of $68,262.00, together with loss of good will in the amount of $15,000.00, and the loss of future income in the amount of $175,000.00; all in the total sum of $258,262.00. H. B. Hudson, a partner of Hudson Bros. trading as Piggly Wiggly Store and as Hudson's Gift Shop in the year 1966, and thereafter doing business as Hudson's Gift Shop, has suffered loss of income in the amount of $35,760.00, together with loss of good will in the amount of $15,000.00, and the loss of future income in the amount of $66,660.00; all in the total sum of $117,420.00.

4. Waddy Abraham, doing business as Jitney Jungle, has suffered loss of income in the amount of $27,168.52, together with loss of good will in the amount of $15,000.00, and the loss of future income in the amount of $67,821.30; all in the total sum of $109,989.82.

5. Louis Nader Ellis, Executor of the Will and Estate of Michael Ellis, Deceased, shows that said deceased prior to his death and his estate thereafter has suffered loss of income in the operation of the Michael Ellis Department Store in the amount of $47,066.44, together with the loss of good will in the amount of $15,000.00, and the loss of future income to the heirs, devisees, and legatees of said Michael Ellis, deceased, in the amount of $117,666.10; all in the total sum of $179,732.54 in connection with said store. Said complainant further shows that as a result of the burning down of the Trace Theater, the property of said estate, on or about April 8, 1968, said decedent and his estate have suffered the loss of $31,500.00 in the value of said property, and $5,750.00 in the loss of rental income from said property and from

a dwelling house which was damaged by fire on said date, and that the said heirs, devisees and legatees have suffered the loss of future rental income therefrom in the amount of $38,400.00; all in the total sum of $75,650.00.

6. Joe Ellis, Mrs. Ben Mullen and Miss Ella Mae Ellis, doing business as George Ellis Food Store, have suffered loss of income in the amount of $32,123.95, together with loss of good will in the amount of $10,000.00, and the loss of future income in the amount of $80,309.90; all in the total sum of $122,433.85.

7. Louis N. Ellis, doing business as Abe's Betty Jean, has suffered loss of income in the amount of $26,014.02, together with loss of good will in the amount of $10,000.00, and the loss of future income in the amount of $67,445.50; all in the total sum of $103,459.52, with respect to said Abe's Betty Jean. Said complainant, doing business as Port Gibson Trading Co., has suffered loss of income in the amount of $4,407.35, together with loss of good will in the amount of $7,500.00, and the loss of future income in the amount of $84,598.89; all in the sum of $96,506.24, with respect to said Port Gibson Trading Co.

8. H. D. Harwell, doing business as Mack's Package Store, has suffered loss of income in the amount of $4,977.52, together with loss of good will in the amount of $10,000.00, and the loss of future income in the amount of $200,000.00; all in the total sum of $214,977.52.

9. Norman N. Ellis and Barbara B. Ellis, doing business as Ellis Variety Store, have suffered loss of income in the amount of $17,158.42, together with loss of good will in the amount of $15,000.00, the loss in the sale of the stock of goods and the fixtures in said store

in the amount of $52,500.00, and the loss of future income in the amount of $138,208.40; all in the total sum of $222,866.82.

10. W. H. Hay, doing business as O. K. Cleaners and Shirt Laundry, has suffered loss of income in the amount of $15,129.84, together with loss of good will in the amount of $5,000.00, and the loss of future profits in the amount of $37,824.60; all in the total sum of $57,954.44.

11. Murad Nasif and Mildred Nasif, doing business as M & M Super Store and Washateria, have suffered loss of income in the amount of $84,800.12, together with loss of good will in the amount of $25,000.00, and the future loss of income in the amount of $212,000.30; all in the total sum of $321,800.42.

12. Port Gibson Lumber & Supply Company, Inc., has suffered loss of income in the amount of $65,877.00, together with loss of good will in the amount of $25,000.00, and loss of future income in the amount of $250,000.00; all in the total sum of $340,877.00.

13. Charles E. Dobbs, doing business as Western Auto Associate Store, has suffered loss of income in the amount of $12,772.05, together with loss of good will in the amount of $12,000.00, and loss of future earnings in the amount of $38,776.00; all in the total sum of $63,548.05.

14. Kelly S. Conn, doing business as Auto-Lec Associate Store, has suffered loss of income in the amount of $13,192.74, together with loss of good will in the amount of $10,000.00, and loss of future earnings in the amount of $37,527.60; all in the total sum of $60,720.34.

15. A & P Service & Parts, Inc., has suffered loss of income in the amount of $27,223.32, together with loss

of good will in the amount of $10,000.00, and loss of future income in the amount of $75,500.00; all in the total sum of $112,723.32.

16. Allen Motor Company, Inc., has suffered loss of income in the amount of $30,531.48, together with loss of good will in the amount of $15,000.00, and the loss of future income in the amount of $70,286.70; all in the total sum of $115,818.18.

17. Donald-Segrest Ford, Inc., has suffered loss of income in the amount of $20,771.55, together with loss of good will in the amount of $20,000.00, and loss of future income in the amount of $227,614.70; all in the total sum of $268,386.25.

18. Mrs. Edgar A. McCaa, doing business as Town and Country has suffered loss of income in the amount of $5,651.95, together with loss of good will in the amount of $5,000.00, loss on sale of stock of goods in the amount of $9,750.00, and loss of future income in the amount of $15,070.00; all in the total sum of $35,471.95.

VI.

1. The complainants charge the defendants, individually and collectively, with the tortious interference with the right of complainants, and each of them, to pursue their lawful trade and business in the City of Port Gibson, by the use of threats, force, coercion, fraud, defamation, false representation and intimidation for the purpose of preventing people, customers and prospective customers from trading with complainants.

2. The complainants reiterate by reference in order to avoid repetition all of the allegations set forth hereinbefore in support of the charges of interference with complainants' business relations with their customers.

3. Complainants charge that the interference of the defendants with their said business relationship was and is wholly without justification or legal excuse; nor were said acts of interference on the part of said defendants made and done in the exercise of any absolute rights of said defendants.

4. Complainants charge that said acts on the part of the defendants complained of herein were malicious, wilful, intentional, and they were calculated to cause and did cause great harm and damage to the complainants in their said businesses; and that said acts were done with the unlawful purpose of causing complainants damage and loss, without right of justifiable cause on the part of the defendants; and that the complainants were caused to suffer great harm and actual damage as set forth hereinbefore; and that said damages sustained by the complainants were and are a natural and proximate consequence of said wilful interference on the part of said defendants. Complainants further charge that, because of the said unlawful interference on the part of the defendants, complainants and each of them were caused to suffer the loss of customers, good will, past, present, and future earnings, and the value of their business, all in the respective amounts hereinbefore set forth in paragraph V next above.

VII.

1. Complainants charge the defendants herein combined and conspired to commit, and did commit, illegal and unlawful acts injurious to the trade and commerce of the complainants and others; and the results of defendants' acts have been to restrain trade and to hinder the sale and purchase of commodities in and around Port Gibson, Mississippi; and to restrain and attempt to

restrain the freedom of trade in said community, all in violation of Code Sections 1088 and 1089; and complainants invoke the provisions of Code Section 1082 to redress the wrongs done them by the defendants.

2. Complainants reiterate by reference all the allegations set forth hereinbefore in support of the charges in this paragraph of the bill of complaint.

3. Heretofore and after April 1, 1966, the defendants, collectively and individually and in concert with other persons, corporations and associations, unknown to the complainants, federated and conspired together in the restraint of trade for the purpose of creating a monopoly for certain businesses owned by some of the defendants, for the sale of food, clothing and other articles in and around Claiborne County, and for the purpose and intent of injuring the trade and business of the complainants and others, and for the purpose of fixing prices of said commodities, and for the further purpose of depriving the complainants and others in said area of profits and gain.

4. In the furtherance of said illegal scheme said defendants daily sent and caused their agents, servants, employees and confederates to commit acts of force, violence, intimidation, and coercion, all as aforesaid. That said acts were done in the furtherance of said design and conspiracy in which all of the defendants participated, and the same were done and performed for a common purpose as aforesaid. That because of said acts complainants and others have suffered, or are threatened with, a complete loss of trade and business; and the said acts were in violation of the laws and public policy of the State of Mississippi as set forth hereinbefore.

5. For said wrongs complainants ask for the damages and penalties pursuant to Code Section 1092, all in the respective amounts hereinbefore set forth in paragraph V of this bill of complaint, the same being the total aggregate sum of $3,542,466.64.

VIII.

1. Pursuant to Code Section 2729, et seq., complainants ask that the lands, funds, property and effects of the nonresident defendant, as set forth hereinbefore, be attached and held to await the decrees and orders of this Court.

2. Complainants are informed and believe that the nonresident defendant, NAACP and its branches or auxiliary offices in the State of Mississippi, have funds, property and effects in Deposit Guaranty National Bank, First National Bank, Citizens National Bank, and Mississippi Bank & Trust Company, all in Jackson, Mississippi; and in Bank of Clarksdale, Coahoma National Bank, and The First National Bank of Clarksdale, both in Clarksdale, Mississippi; and in Mississippi Southern Bank, and Port Gibson Bank, both in Port Gibson, Mississippi; and in The Jefferson County Bank in Fayette, Mississippi; and in The First National Bank, Commercial National Bank, and Greenville Bank, all in Greenville, Mississippi; and in First National Bank of Vicksburg, and Merchants National Bank, both in Vicksburg, Mississippi; and in Hancock Bank, Gulf National Bank, and Merchants Bank & Trust Company, all in Gulfport, Mississippi; and in First National Bank of Biloxi, and The Peoples Bank of Biloxi, both in Biloxi, Mississippi; and in Britton & Koontz First National Bank, and City Bank and Trust Company, both in Natchez, Mississippi; and in Bank of Mississippi, First Citizens National Bank, and The

Peoples Bank & Trust Co., all in Tupelo, Mississippi; and in Commercial Bank, in Woodville, Mississippi; and in Bank of Prentiss, in Prentiss, Mississippi; and in Indianola Bank, and Peoples Bank of Indianola, both in Indianola, Mississippi; and in Bank of Commerce, The Bank of Greenwood, and Leflore Bank and Trust Company, all in Greenwood, Mississippi; and in Citizens National Bank, and Guaranty Bank & Trust Company, both in Belzoni, Mississippi; and in Bank of Holly Springs, First State Bank, and Merchants and Farmers Bank, all in Holly Springs, Mississippi; and in Bank of Cleveland, The Cleveland State Bank, and First National Bank of Bolivar County, all in Cleveland, Mississippi; and in Citizens Bank of Hattiesburg, First National Bank of Hattiesburg, and Southern National Bank, all in Hattiesburg, Mississippi; and in The Commercial National Bank and Trust Company, and The First National Bank of Laurel, both in Laurel, Mississippi; and in The Citizens National Bank of Meridian, First National Bank of Meridian, and Merchants & Farmers Bank, all in Meridian, Mississippi; and in Grenada Bank, and Grenada Trust & Banking Company, both in Grenada, Mississippi; and in The Bank of West Point, and The First National Bank, both in West Point, Mississippi; and in First Columbus National Bank, Merchants & Farmers Bank, and National Bank of Commerce, all in Columbus, Mississippi; and complainants ask that said funds, property and effects of said non-resident defendant be attached. Complainants are further informed and believe that unless prevented by the process of this Court said banking institutions will presently turn over and remit all of said effects, property and funds to said non-resident defendant and the same will be removed out of the State of Mississippi and beyond the jurisdiction of this Court.

IX.

1. Complainants would show that they have no adequate remedy at law for the harm and damage done and threatened to be done by the defendants; that the property and rights of the complainants are involved and have been and are being interfered with; that the injuries to complainants are substantial, as shown by the facts set forth hereinbefore; that such injuries to the complainants are real and irreparable; and that the illegal, unlawful, malicious and harmful acts of the defendants will continue to occur and continuing harm, damage and injury will be done to the complainants unless the acts and conduct of the defendants hereinbefore complained of are enjoined by this Court.

2. Complainants would show that the defendants, and each of them, corporate, individual, known and unknown, and as a class, and all of those confederating with, aiding and assisting said defendants should be enjoined and prohibited from: (1) Picketing in or about the premises of the complainants; (2) stationing guards at or near the vicinity of the premises of the complainants; (3) soliciting, advising, threatening, coercing and constraining any person from trading with the complainants; (4) interfering with the businesses of the complainants; (5) boycotting the businesses of the complainants; (6) asking or demanding that others cease doing business with the complainants; (7) committing acts in restraint of trade and or in violation of the laws of the State of Mississippi thereunto appertaining.

X.

1. For the wrongs, injuries, loss and damage done to the complainants by the defendants, individually and collectively, the complainants would show that they have

suffered damages in the respective amounts hereinbefore set forth in paragraph V of this bill of complaint, the same being the total aggregate sum of $3,542,466.04; and that said defendants are jointly and severally liable for said damages to the complainants.

PRAYER

WHEREFORE, PREMISES CONSIDERED, complainant prays as follows:

1.

That the funds, property and effects of the non-resident defendant, National Association for the Advancement of Colored People, its branches or auxiliary offices in the State of Mississippi, in the hands of and under the control of the resident defendants, Deposit Guaranty National Bank, First National Bank, Citizens National Bank, and Mississippi Bank & Trust Company, Jackson, Mississippi; and Bank of Clarksdale, Coahoma National Bank, and The First National Bank of Clarksdale, Clarksdale, Mississippi; and Mississippi Southern Bank, and Port Gibson Bank, Port Gibson, Mississippi; and The Jefferson County Bank, Fayette, Mississippi; and The First National Bank, Commercial National Bank, and Greenville Bank, Greenville, Mississippi; and First National Bank of Vicksburg, and Merchants National Bank, Vicksburg, Mississippi; and Hancock Bank, and Gulf National Bank, and Merchants Bank & Trust Company, Gulfport, Mississippi; and First National Bank of Biloxi, and The Peoples Bank of Biloxi, Biloxi, Mississippi; and Britton & Koontz First National Bank, and City Bank and Trust Company, Natchez, Mississippi; and Bank of Mississippi, First Citizens National Bank, and The Peoples Bank & Trust Co., Tupelo, Mississippi; and Commercial Bank,

Woodville, Mississippi; and Bank of Prentiss, Prentiss, Mississippi; and Indianola Bank, and Peoples Bank of Indianola, Indianola, Mississippi; and Bank of Commerce, The Bank of Greenwood, and Leflore Bank and Trust Company, Greenwood, Mississippi; and Citizens National Bank, and Guaranty Bank & Trust Company, Belzoni, Mississippi; and Bank of Holly Springs, First State Bank, and Merchants and Farmers Bank, Holly Springs, Mississippi; and Bank of Cleveland, The Cleveland State Bank and First National Bank of Bolivar County, Cleveland, Mississippi; and Citizens Bank of Hattiesburg, First National Bank of Hattiesburg, and Southern National Bank, Hattiesburg, Mississippi; and The Commercial National Bank and Trust Company and The First National Bank of Laurel, Laurel, Mississippi; and The Citizens National Bank of Meridian, First National Bank of Meridian, and Merchants & Farmers Bank, Meridian, Mississippi; and Grenada Bank and Grenada Trust & Banking Company, Grenada, Mississippi; and The Bank of West Point, and The First National Bank, West Point, Mississippi; and First Columbus National Bank, Merchants & Farmers Bank, and National Bank of Commerce, Columbus, Mississippi, be attached and that said herein named resident defendant banks be summoned personally in the manner provided by law in cases of attachment in chancery, returnable to the next regular term of this Court. And that the herein named non-resident defendant be served by serving process upon its duly registered resident agent for process, in the manner provided by law; and that all other resident defendants be summoned personally; so that all of said resident defendants and said non-resident defendant may be required to appear at the next regular term of this Honorable Court, then and there to answer this bill of complaint, and that the

answer of all of said defendants except the herein named resident defendant banks shall not be under oath, answer under oath being hereby expressly waived, except as to the answer of said resident defendant banks.

2.

That upon a final hearing, except as to the said resident defendant banks, named in paragraph 1 of this prayer, an injunction issue, enjoining and prohibiting the defendants, and each of them, and all members of the incorporated defendant organization, and the branches thereof, and all persons confederating with, aiding and assisting the defendants in the acts herein complained of, from committing any of the following acts, directly or indirectly, through any person, firm, corporation or association: (1) Picketing in or about the business premises of the complainants, (2) stationing guards at or near the vicinity of the said premises of the complainants; (3) soliciting, advising, threatening, coercing and constraining any person from trading with complainants; (4) interfering with the businesses of the complainants; (5) boycotting the businesses of the complainants; (6) asking or demanding that others cease doing business with the complainants; (7) committing acts in restraint of trade and or in violation of the laws of the State of Mississippi thereunto appertaining.

3.

That upon the final hearing hereof complainants may have a decree against the said non-resident defendant and the resident defendants, except said resident defendant banks named in paragraph 1 of this prayer, jointly and severally, for the damages sustained by each of the complainants, as follows: (1) That complainant Claiborne Hardware Company may have a decree against

said defendants in the total sum of $155,000.00; (2) that the complainant Q. H. McDaniel, Jr., may have a decree against said defendants in the total sum of $250,616.78; (3) that the complainant James E. Hudson may have a decree against said defendants in the total sum of $258,262.00, that the complainant George A. Hudson may have a decree against said defendants in the total sum of $258,262.00, and that the complainant H. B. Hudson, Jr., may have a decree against said defendants in the total sum of $117,420.00; (4) that the complainant Waddy Abraham may have a decree against said defendants in the total sum of $109,989.92; (5) that the complainant Louis Nader Ellis, Executor of the Will and Estate of Michael Ellis, Deceased, may have a decree against said defendants in the total sum of $255,382.54; (6) that the complainants Joe Ellis, Mrs. Ben Mullen and Miss Ella Mae Ellis may have a decree against said defendants in the total sum of $122,433.85; (7) that the complainant Louis N. Ellis may have a decree against said defendants in the total sum of $198,965.76; (8) that the complainant H. D. Harwell may have a decree against said defendants in the total sum of $214,977.52; (9) that the complainants Norman N. Ellis and Barbara B. Ellis may have a decree against said defendants in the total sum of $222,866.82; (10) that the complainant W. H. Hay may have a decree against said defendants in the total sum of $57,954.44; (11) that the complainants Murad Nasif and Mildred Nasif may have a decree against said defendants in the total sum of $321,800.42; (12) that the complainant Port Gibson Lumber & Supply Company, Inc., may have a decree against said defendants in the total sum of $340,877.00; (13) that the complainant Charles R. Dobbs may have a decree against said defendants in the total sum of $63,548.05; (14) that the complainant Kelly S. Conn

may have a decree against said defendants in the total sum of $60,720.34; (15) that the complainant A & P Service & Parts, Inc., may have a decree against said defendants in the total sum of $112,723.32; (16) that the complainant Allen Motor Company, Inc., may have a decree against said defendants in the total sum of $115,818.18; (17) that the complainant Donald-Segrest Ford, Inc., may have a decree against said defendants in the total sum of $2683.25; (18) that the complainant Mrs. Edgar A. McCaa may have a decree against said defendants in the total sum of $35,471.95; all in the total aggregate sum of $3,542,466.04. And that the funds and property of said non-resident defendant in the hands and under the control of said resident defendant banks, or so much thereof as is necessary to pay the amount of said decree, be applied to the payment of said decree, on a pro rata basis to the complainants, respectively, if insufficient to pay the total amount thereof.

And complainants pray for general and special relief, and as in duty bound will ever pray.

PYLES & TUCKER
507 East Pearl Street
Jackson, Mississippi 39201
By DIXON L. PYLES

SATTERFIELD, SHELL, WILLIAMS AND BUFORD
552 First National Bank Building
Jackson, Mississippi 39205
By DAN H. SHELL

W. E. GORE, JR.
W. E. GORE, JR.
500 First Federal Building
Jackson, Mississippi 39201
Solicitors for Complainants

Note: The foregoing Bill of Complaint was duly verified by the affidavit of each of the state court complainants to the effect that the matters and facts set forth as true, insofar as they relate to the respective business of the affiant and to the acts and conduct of the defendants, are true and correct as therein stated, and as to all other matters alleged therein each affiant on information and belief verily believes the same to be true.

The affidavits cover considerable space and are necessarily repetitious. For these reasons, and with the foregoing statement of the nature of the affidavits, which were attached to the Bill of Complaint, the affidavits are omitted.